

Message Text

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ACTION STR-07

INFO OCT-01 EUR-12 EA-10 IO-13 ISO-00 STRE-00 AGRE-00
CEA-01 CIAE-00 COME-00 DODE-00 EB-08 FRB-03 H-01
INR-10 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01
CTME-00 AID-05 SS-15 ITC-01 TRSE-00 ICA-11 SP-02
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INFO AMEMBASSY BRUSSELS
AMEMBASSY TOKYO

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USMTN USEEC

ACTION STR FOR GREENWALD, FEKETEKUTY

E.O. 11652 N/A
TAGS: ETRD, MTN
SUBJECT: FRAMEWORK--INFORMAL DC DISCUSSIONS ON EXPORT
CONTROLS, APRIL 5-19, 1978

REF: GENEVA 4506

1. U.S. MTN DEL MET INFORMALLY WITH EC, JAPAN, NORDICS,
SWITZERLAND AND NEW ZEALAND APRIL 5 FOR SECOND-ROUND
DISCUSSION OF MTN DEL DRAFT "UNDERSTANDING" ON EXPORT-
CONTROL MEASURES (REFTEL). PARTICIPANTS FOCUSED ON
GENERAL DISPUTE-SETTLEMENT ASPECTS OF DRAFT AND ON
PROBLEM OF ENLARGING CIRCLE OF DISCUSSION ASAP TO
INCLUDE AT LEAST KEY LDCS. FOLLOW-UP DISCUSSIONS WITH
JAPANESE DEL APRIL 10 AND 19 YIELDED MORE SPECIFIC
READING OF JAPAN'S INTENTIONS AND CONCERNS, AS WELL AS
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PROMISE TO DELIVER TOKYO-CLEARED DRAFTING SUGGESTIONS
BY APRIL 24.

2. REFERRING TO DELS' INITIAL REACTIONS AT PREVIOUS
SESSION, U.S. (MARK) REMINDED DC GROUP THAT BULK OF
DRAFT DEALING WITH GUIDELINES/PRINCIPLES WAS INTEN-
TIONALLY "REPETITIVE" OF GATT ARTICLES, SERVING TO

ILLUSTRATE JUST HOW EXTENSIVE THOSE OFT-FORGOTTEN PROVISIONS ACTUALLY ARE; ANY EVENTUAL AGREEMENT IN THIS AREA WOULD PRESUMABLY CONTAIN MORE BOILED-DOWN FORMULATIONS. U.S. OBJECTIVE IS TO GET WIDEST POSSIBLE AGREEMENT REGARDING INTERPRETATIONS OF EXISTING GATT PROVISIONS COVERING EXPORT CONTROLS AND TO THAT END WOULD PREFER A "FUZZIER" AGREEMENT THAT INCLUDED CANADA AND KEY LDCS TO A MORE SPECIFIC DOCUMENT THAT ONLY A VERY FEW COULD ACCEPT. SWITZERLAND (GERBER) CAUTIONED AGAINST ENGAGING IN "NEGOTIATIONS" WITH LDCS OVER INTERPRETATIONS OF GATT ARTICLES RELATED TO EXPORT CONTROLS, BUT TOOK U.S. POINT THAT PRINCIPAL "NEGOTIATING" ASPECT WOULD BE ULTIMATE QUESTION OF WHETHER OR NOT AN EXPORT-CONTROLS UNDERSTANDING TO BE INCLUDED IN FINAL MTN PACKAGE.

3. PUBLICATION/NOTIFICATION AND CONSULTATIONS SECTIONS OF DRAFT GENERALLY ACCEPTABLE TO PARTICIPANTS; HOWEVER, GROUP AGREED THAT ONGOING "HORIZDNTAL" WORK ON DISPUTE-MANAGEMENT ISSUE (SEPTELS) COULD PROVIDE PROCEDURAL DETAILS IN EXPORT-CONTROLS UNDERSTANDING. IN THIS CONNECTION, SWISS SUGGESTED CONSIDERING EXPORT CONTROLS TO BE "MIRROR-IMAGE OF SAFEGUARDS," AND HENCE URGED COMPARISON WITH--PERHAPS ADAPTATION OF--WORK ON PUBLICATION, CONSULTATION, TRANSPARENCY, ETC., IN SAFEGUARDS GROUP.

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4. JAPAN (UKAWA, NOGAMI) EXPRESSED GENERAL SATISFACTION WITH THRUST OF MTN DEL DISCUSSION DRAFT BUT WORRIED THAT TOO MUCH FLEXIBILITY MAY BE IMPLIED RE ACTUAL USE OF EXPORT-CONTROL MEASURES. KEY JAPANESE QUESTIONS CONCERNED COVERAGE OF DRAFT "UNDERSTANDING"--WOULD U.S. EXPECT OMA/VRA ACTION TO BE EXEMPTED FROM SUCH AN AGREEMENT? BALANCE-OF-PAYMENTS SURPLUS MEASURES? "INVOLUNTARY IMPORT CONTROLS" (E.G., LOGS AND FERROUS SCRAP CASES)? ACTIONS TAKEN UNDER COMMODITY AGREEMENTS? ALSO, PARAGRAPH TOUCHING ON SHORT-SUPPLY BURDEN-SHARING MAY OPEN CONTROVERSIAL PROBLEM AREA; PROVISION SHOULD BE BROADENED TO COVER "MOST CASES." WE NOTED WE HAD PURPOSELY SIDE-STEPPED FULL IMPLICATIONS OF BURDEN-SHARING PROBLEM BUT ARE NOT RELUCTANT TO SEE FURTHER DEVELOPMENT OF ISSUE--PUSHING IT TOO FAR AT THIS STAGE, HOWEVER, MIGHT JEOPARDIZE ENTIRE EXPORT-CONTROLS EXERCISE.

5. FYI. ASSUMING WE WILL HAVE RECEIVED JAPANESE COMMENTS ON EXPORT-CONTROLS LANGUAGE BY APRIL 24, WE WOULD HOPE TO FOLD THESE INTO REVISED DISCUSSION DRAFT FOR CONSIDERATION BY SAME DC GROUP EARLY NEXT WEEK. AT THAT TIME WE WOULD ALSO PUSH FOR MEETING WITH THOSE DELS

AND AT LEAST KEY LDCS, PERHAPS AS EARLY AS APRIL 27.
END FYI.

6. DRAFTED BY ADDUCI/MARK MCDONALD

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